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Department of Planning and Development
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**CITY OF SEATTLE
ANALYSIS, DECISION, AND RECOMMENDATION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2303565
Applicant Name: Harold Javete for Lorig Associates
Address of Proposal: 2402 NE 65th Street

SUMMARY OF PROPOSED ACTIONS

To subdivide six (6) parcels into thirty-two (32) unit lots. Proposed unit lots range from 780 sq. ft. to 1,798 sq. ft.

The following approvals are required:

Full Subdivision – Chapter [23.22](#) Seattle Municipal Code.

SEPA – Environmental Determination Chapter [25.05](#) SMC.

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions.
☐ DNS involving non-exempt grading, or demolition, or
involving another agency with jurisdiction.

RELATED PROJECTS

MUP 2108312, established the use for construction of a total of 64 residential units and 87 parking spaces in a four story mixed-use building (32 residential units, approximately 4,250 square feet of retail commercial at street level, parking for 42 vehicles provided on one below grade level) and ten townhouse structures (comprising 32 residential units and 45 parking spaces). MUP 2108312 included Design and SEPA Reviews.

The MUP was issued December, 2002, conditionally granting the Design Review component and with a Determination of Non-Significance for SEPA.

Lot Boundary Adjustment 2307277, decision issued December, 2003, (in process of being recorded), reconfigured the lot lines of four of the nine lots that contain this approved development. These lots, Tract 'K' and Lots 1, 2, and 3, were reconfigured expressly to separate the mixed-use structure from the townhouse portion of this project in order to allow the Unit Lot

Subdivision of the townhouses. [SMC 23.22.062A](#) states that the unit lot subdivision of land applies exclusively to townhouses, cottage housing developments, residential cluster developments, and single-family residences in zones where such uses are permitted.

PROJECT DESCRIPTION

The applicant proposes to unit subdivide six existing parcels into thirty-two (32) unit lots. The six parcels are: Parcels B, C, and D created through Lot Boundary Adjustment (LBA) 2307277 and Tax Parcels 716920-0245, 042504-9095; and 042504-9103.

Site and Vicinity

The project site is located in the Ravenna neighborhood between 24th and 25th Avenues NE. The site is a part of a larger site that in its entirety was the former location of the Saxe Floral retail store and nursery. The retail store site, which fronts on NE 65th Street, is now Parcel A and was created by Lot Boundary Adjustment 2307277.

The site is zoned Lowrise 2 – Residential Commercial (L2-RC). The zoning designations of the parcels across 24th Avenue NE to the west range from Neighborhood Commercial 40 (NC-40) at the intersection of NE 65th to L2-RC facing the project site to Single Family 5000 (SF 5000) facing the northwest corner of the project site and extending northward along the remainder of this block. Properties to the north of the subject site between 24th and 25th Avenues NE are zoned SF 5000. To the east across 25th Avenue NE the zoning is Lowrise 3 from NE 65th Street northward approximately 300 feet where the zoning transitions to a SF 5000 zone.

Existing development in the vicinity is a mixture of commercial and residential uses largely coinciding with the above mentioned zones. Along NE 65th Street to the south is an automobile gasoline and service repair business. To the east across 24th Avenue NE are a mixture of commercial uses. South across NE 65th Street is a elder care facility owned by the Seattle Education Association Auxillary. Except for the automobile service station, residential uses, both multi-family and single-family surround the intersection of NE 65th Street and 25th Avenue NE. Multi-family structures occupy the L 3 zoned parcels along 25th Avenue NE. Otherwise, all other parcels north of the subject site and facing 24th and 25th Avenues NE have single-family residential structures.

All surrounding streets are fully improved with curb, gutter and sidewalk.

Public Comment

The public comment period ended September 24, 2003. One comment letter was received. The letter expressed a concern that the proposed project might impact a perceived “already bad traffic and parking situation” in the neighborhood.

PROCEDURES FOR PRELIMINARY PLAT APPROVAL

Hearing Examiner Findings and Conclusions. The Land Use Code Section [23.76.024](#) requires that the Hearing Examiner conduct a public hearing on the unit subdivision application. At the same hearing, the Hearing Examiner would hear any appeals of the Director's environmental decision (SMC [23.76.052 A](#)). The Hearing Examiner can approve the proposal if it is

determined that the proposed plat makes appropriate provision for the public health; safety and general welfare; open spaces; drainage ways; streets, alleys, other public ways; water supplies; sanitary waste disposal; fire protection; parks; playgrounds; sites for schools and school grounds; and that the public use and interest will be served by the platting of the subdivision. If the Hearing Examiner determines that the proposed plat does not provide the appropriate elements or that the public use and interest will not be served, the proposed plat may be denied. After the hearing, the Hearing Examiner will make a decision that is final on the preliminary subdivision.

Council Action. The Council review process changed in March, 1996, in response to regulatory reform legislation, and made the approval of preliminary plats or subdivisions a Hearing Examiner decision. A formal action to approve the final plat is still the responsibility of the City Council as provided by RCW [58.17](#). However, the Council does not hold a public meeting for the purpose of accepting testimony. After the Hearing Examiner approves the preliminary plat, the Council reviews it for final plat approval.

Analysis and Recommendation of the Director. The Land Use Code (Section [23.76.023](#)) requires the Director of DPD to prepare a written report for a proposed preliminary plat. The Code calls for the Director's report to include the following:

1. The written recommendations or comments of any affected City departments and other governmental agencies having an interest in the application;
2. Responses to written comments submitted by interested citizens;
3. An evaluation of the proposal based on the standards and criteria for subdivisions contained in SMC Chapter [23.22](#);
4. All environmental documentation, including any checklist, EIS or DNS; and
5. The Director's recommendation to approve, approve with conditions, or deny the application.

The Director's report is submitted to the Hearing Examiner and made available for public review at least thirty (30) days prior to the Hearing Examiner's public hearing. The hearing date has been set for 9 AM Monday March 8, 2003.

ANALYSIS – SUBDIVISION

1. Recommendations and comments by City departments and other government agencies having an interest in the application.

The following represent a summary of the comments received from each City Agency indicated. Information and documentation from each review agency is available in the DPD project file.

A. Fire Department

The Fire Chief has approved the proposed subdivision with no conditions.

B. Seattle City Light (SCL)

SCL requires an easement for this unit lot subdivision. SCL will need an easement to provide power to the buildings on the new lots from the right-of-way. Laurie Hammack,

North Distribution Design Project Reviewer for SCL, determined that the townhouse configuration as presented will provide sufficient access for the all electrical utility equipment. To assure accurate legal descriptions for the required easement(s) are created, easement(s) will be written after the final placement of the electrical vault(s), transformer(s), and lines. The applicant will install this equipment with the consultation of SCL and provide a “built survey” of the electrical equipment after it is constructed. Based on the exact location of the equipment legal description (s) will then be written and recorded. Subject to this arrangement, SCL approves this unit lot subdivision.

C. Seattle Public Utilities Department (SPU)

SPU issued Water Availability Certificate (WAC) #2003-0813 approving this project with requirements. The WAC indicated that the project site and structures can be served by the standard sized water mains on both 24th and 25th Avenues Northeast. Utility access easements will be required for underground water service access from 24th Avenue NE to proposed Unit Lots 17 through 32, and from 25th Avenue NE to proposed Unit Lots 2 through 4, 6 through 8, 10 through 12, and 14 through 16. Payments for needed service changes and connections will be due per the typical requirements of Seattle City Light for new water service.

D. Structural / Ordinance Review

To assure emergency access across the rear yards of certain units, an easement limiting fence height to a maximum of forty-four (44) inches or, if higher, the provision of a maximum forty-four (44) inch high gate is required to be recorded for and between the rear yards of lots 5, 6, 7, and 8: lots 9, 10, 11, and 12: 13,14,15, and 16: and lots 17,18,19, and 20.

2. Comments of interested citizens.

The one comment received raised a concern about the “impact of the project on (an) already bad traffic and parking situation”.

The proposed subdivision does not create any new dwelling units, parking demand, or traffic; it allows only for the division of the previously approved ten (10) townhouse structures with 32 units for the purpose of individual sale.

The review and approval of the ten townhouse structures was conducted under MUP 2108312 outlined in “Related Projects” above. Potential traffic and parking impacts were analyzed through the SEPA component of this MUP. The analysis discussed both probable short and long term traffic and parking impacts and made the following determinations:

Short Term Impacts: Parking for construction personal vehicles and construction related truck traffic. There will likely be high demand for on-street parking by construction personal during the anticipated 17 month construction period. This is unavoidable. To minimize this impact, MUP 2108312 was conditioned to require the use of the on-site below grade parking garage as soon as it is constructed for construction personnel vehicles.

There are expected to be 325 truck round-trips anticipated for the grading and excavating phase of construction. Existing City code (SMC 11.62) requires truck traffic to use arterial streets. The overall site, which includes Parcel A, but which is not a part of the Unit Lot Subdivision,

fronts two arterials: NE 65th Street and 25th Avenue NE. Both of these arterials connect to the major regional road system. Any construction traffic impacts will be mitigated by the short-term duration of the construction phase and the required conformance with SMC 11.62. This Unit Lot Subdivision does not involve any construction.

Long Term Impacts: The traffic study conducted for this project estimated that there will be approximately 17 additional vehicle trips per P.M. peak period by the 32 townhouse units. These vehicles will access the site from a driveway on 24th Avenue NE and two driveways on 25th Avenue NE. The driveway on 24th Avenue NE will serve only those units that are on the 24th Avenue NE side of this block. The driveways on 25th Avenue NE will serve only those units that are on the 25th Avenue NE side of this block. After leaving the project site, the traffic report estimates that many of these vehicles and consequent trips will pass through the intersection of NE 65th and 25th Avenue NE but that this new level of P.M. peak hour traffic will not seriously affect intersection operations.

Parking impacts were analyzed and found to be mitigated by a combination of the proposed 87 parking spaces and the availability of sufficient on-street parking to accommodate “spillover” from the project. The entire project approved under MUP 2108312 will provide 87 parking spaces for the combined 64 residential units (32 apartment units and 32 townhouse units) and 4,250 square feet of retail. (Neither the apartment units nor retail space is part of this subdivision application.) The approved project under MUP 2108312 will provide 45 parking spaces for the 32 townhouse units. Seattle Municipal Code 23.54.015 requires development sites with more than 60 units to provide 1.25 spaces per unit. For 32 townhouse units 40 parking are required.

A parking study was conducted to determine the adequacy of the provided parking and the availability of on-street parking. The study found an on-street parking utilization during the weekday morning and evening hours (when demand for parking was determined to be highest) to be 49 percent (484 legal on-street parking spaces were available, while 238 cars were parked in the study area). These findings indicated that there is sufficient parking on the streets for any anticipated spillover parking and that no SEPA mitigation of parking impacts was warranted.

3. Evaluation of the proposal pursuant to applicable codes.

Land Use Code

The site is located in a Lowrise 2 – Residential Commercial (L2-RC) zone, in which single-purpose residential uses are permitted outright.

SMC [23.22.062](#) provides requirements for unit lot subdivision, applicable to townhouse developments.

SMC [23.22.062.B](#) states: “The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot...” Consequently additional development of individual units may be limited, due to this final nonconformity. To notify future unit lot owners of this potential limitation SMC [23.22.062 F](#) therefore requires the following be noted on the recorded plat, “*the unit lots are not separate buildable lots and additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot.*”

[SMC 23.22.062 B](#) also states that required private usable open space for each dwelling unit be provided on the same lot as the dwelling unit it serves. The open space requirements for Lowrise 2 zones, requires an average of 300 square feet of private usable open space, at ground level and directly accessible to each unit, with no unit having less than 200 square feet of such open space. [SMC 23.41.012](#), Development Standard Departures, permits departures from the Land Use Code, including development standards for open space, for new multi-family developments as part of the design review process if those departures would result in a development which better meets the intent of the adopted design guidelines. Review and approval for the construction of the subject townhouse units included Design Review under MUP 2108312.

Open space meeting the required dimensional and access standards has been provided for all proposed unit lots. Individual open space for proposed Unit Lots 1 through 28 is provided for each on the same lot. Open space for proposed unit lots 29-32 is directly accessible to these lots but is part of existing Parcel A abutting these proposed lots to the south; Parcel A is not a part of this subdivision proposal. Perpetual access to this open space is assured by the recording of an easement for access and maintenance of portions of this open space on Parcel A for the benefit of Unit Lots 29-32.

The purpose of this open space easement is to accommodate the below grade parking garage that is a part of the mixed use structure on Parcel A and that extends beneath the open space area at the rear (to the south) of proposed Unit Lots 29-32. The below grade parking garage was designed with its size, configuration and location to accommodate the parking needs of this development and considering parking impacts on the surrounding neighborhood and as described in the '*Comments of Interested Citizens*' discussion of potential SEPA impacts above. For this reason, the garage area is required to extend beyond the surface 'foot print' of the commercial structure and therefore extends beneath the area designated as private usable open space for proposed Unit Lots 29-32. The open space for these proposed Unit Lots is therefore a part of Parcel A, although it will be used solely for the benefit of Unit Lots 29-32.

SMC [23.22.062 D](#) requires common access easements and joint use and maintenance agreements for the use of common garage or parking areas, common open space and other similar features. Easements for all utilities are required as necessary for utility access. This proposal provides such easements and joint use and maintenance agreements for vehicular and pedestrian access, and utilities across all individual unit lots that will be recorded with the King County Department of Records and Elections. Additionally easements must be created allowing all lots without frontage on either 24th or 25th Avenues NE to have their addresses displayed on the pedestrian and vehicular access ways for the purpose of unit identification from the streets. These easements shall also make provision for US Postal facility mailbox locations.

This Unit Lot Subdivision therefore meets the requirements of the Seattle Land Use Code.

Public Use and Interest

Pursuant to SMC [23.22.054](#), the decision maker must consider all relevant facts to determine whether the public use and interest will be served by the proposed full unit lot subdivision. Additionally, the proposed plat must make appropriate provision for the public health, safety and general welfare by providing for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary waste disposal, fire protection, parks, playgrounds, and safe access to and sites for schools.

Unit Lot Subdivision allows for the subdivision of common wall (attached) ground related townhouse structures. Ground related townhouse structures are allowed outright in the L-2 zone. This process therefore makes possible separate ownership of individual units in one structure that otherwise would be owned by one party and consequently some or all units would be available on a rental basis only.

The construction of the units was reviewed under the City's Design Review Process and consequently incorporates numerous features desired by neighbors who commented on this project and recommended by the Design Review Board, as well as the prescriptive requirements of the land use and building codes. (See Master Use Permit 2108312 for Design Review requirements and SEPA conditions.) The unit lot subdivision does not alter these requirements, recommendations, and conditions.

The public use and interests are thereby served by permitting the proposed division of land.

ANALYSIS – SEPA

The applicant provided the initial disclosure of this development's potential impacts in an environmental checklist signed and dated on July 22, 2003. This information and the experience of the lead agency, DPD, with similar applications form the basis for this analysis and decision. Considering that the proposal would simply establish boundaries for fee-simple ownership, virtually no impacts are anticipated.

Short-term impacts

There are no short term impacts identified with this proposal. Short term impacts associated with the construction of the units were analyzed and conditions imposed under MUP 2108312 and discussed under *Analysis: Comments of Interested Citizens* above.

Long-term impacts

There are no long term impacts identified with the subdivision of this project. Long term impacts associated with the addition of these units to the existing neighborhood were identified (traffic and parking) and analyzed under MUP 2108312 and discussed under *Analysis: Comments of Interested Citizens* above.

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW [43.21C](#)), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. DPD has determined that this proposal does not have a significant adverse impact upon the environment. An EIS is not required under RCW [43.21C.030\(2\)\(C\)](#).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW [43.21C.030\(2\)\(C\)](#).

RECOMMENDED CONDITIONS – SUBDIVISION

Conditions of Approval Prior to Recording of the Final Subdivision Plat:

The owner(s) and/or responsible party(s) shall:

1. Note on the plat all the conditions listed in this recommendation, as may be modified by the Hearing Examiner.
2. Record an easement against Parcel “A” of LBA 2307277 granting open space easements for the benefits and sole access of Unit Lots 29, 30, 31, and 32 across the areas therein described of Parcel A.
3. Pursuant to SMC 23.22.062 F the following must be noted on the recorded plat: “*the unit lots are not separate buildable lots and additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot.*”
4. Include on the face of the plat and in the legal description for the relevant lots an easement to provide emergency access across the rear yards of lots 5, 6, 7, and 8: lots 9, 10, 11, and 12: 13, 14, 15, and 16: and lots 17, 18, 19, and 20 that limits fence height to a maximum of forty-four (44) inches or, if higher, the provision of a maximum forty-four (44) inch high gate.

Conditions of Approval Before the Issuance of the Final Certificate of Occupancy:

5. Provide Seattle City Light with a “Built Survey” after installation of the electrical equipment (vault(s), transformer(s), and lines) to be used by SCL to write utilities assess easement(s). These easements must then be included on the face of previously approved and recorded plat and in the previously recorded legal descriptions.
6. On the recorded or final plat map, note the location of any and all easements for infrastructure improvement and private and public utilities.

CONDITIONS – SEPA

None.

Signature: _____ (signature on file) Date: February 5, 2004
Art Pederson, Land Use Planner
Department of Planning and Development
Land Use Services